

Frequently Asked Questions of the Veterinary Medical Board on Animal Shelter Issues

The Veterinary Medical Board's stated mission is to provide protection to consumers and animals through proper licensing of veterinarians and registered veterinary technicians, and through vigorous, objective enforcement of the California Veterinary Medicine Act. In the past these objectives have rightly been directed toward veterinary medical professionals and their facilities.

Until the last few years animal shelters provided minimal veterinary care such as giving vaccines. Seriously injured or ill pets were often euthanized due to limited financial resources. If not euthanized the seriously injured or ill pets were taken to a veterinary hospital with which they had contracted for more extensive services. No doubt many of the smaller facilities still provide only the basics "in house", and contract with veterinary hospitals to treat the more seriously injured or ill pets as before. However, many facilities are providing more and more veterinary services to the animals that they shelter.

Types of routine services provided at shelter facilities include surgical neutering (ovariohysterectomy and castration), vaccines, blood testing for heartworm, feline immunosuppressive virus (FIV) and feline leukemia virus (FeLV), and fecal testing for parasites and parvovirus. A number of shelters now also provide many non-routine services for animals taken in, such as trauma care. Further, the College of Veterinary Medicine at U.C. Davis now has a residency program to allow veterinarians to specialize in shelter medicine, another indication of the broad scale of the practice of veterinary medicine in shelter facilities.

These various changes in the landscape of animal shelters and shelter medicine have caused the Board to review the premise permit requirements for shelters offering such services. It has also generated numerous questions regarding the Veterinary Medicine Practice Act and what types of procedures may and may not legally be performed in shelter facilities.

Frequently Asked Questions

1. Q. Are animal shelters practicing veterinary medicine?

- A. Yes,** if they are running tests (FeLV, fecal, etc.), giving vaccines, performing spay or neuter operations, or any other activities as defined in the Veterinary Medicine Practice Act. Business and Professions Code, Section (hereafter B&P) 4826 defines the practice of veterinary medicine as diagnosing, prescribing, and treating of / for an animal for the prevention, cure, relief of a wound, fracture, bodily injury, or disease, and includes the performance of any surgical or dental operation, and these procedures therefore fall under the jurisdiction of the Veterinary Medical Board (hereafter VMB).

B&P 4827(a) exempts those practicing veterinary medicine as a bona fide owner of one's own animals, and applies to the owner's bona fide employees and any person assisting the owner, provided that the practice is performed gratuitously.

2. Q. Is an animal shelter the owner of a stray animal?

A. No. Civil Code, Section 1813 states that animal shelters are a depositary, and the deposit may be voluntary or involuntary; and for safekeeping or for exchange. Animal shelters, as depositaries, are not the bona fide owner of the animal and therefore not exempt from the Practice Act

Civil Code, Section 1814 defines that a Voluntary Deposit is made by one giving to another, with his consent, the possession of personal property to keep for the benefit of the former, or a third party. This would uphold the notion that the animal shelter is not the owner of the animal but acts rather as a depositary for the safekeeping of the animal for its rightful or future owner. Civil Code, Section 1815(c) defines an Involuntary Deposit as being made by the delivery to, or pick up by, and the holding of, a stray live animal by any person, or public or private entity.

Civil Code, Section 1816 states that the person, private entity, public agency or shelter with whom a thing is deposited is bound to take charge of it. Civil Code, Section 1834 further states "A depositary of living animals shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly."

3. Q. Does an animal sheltering facility need a Veterinary Premise Permit?

A. Yes, if any of the activities noted in B&P 4826 are being performed. B&P 4853(a) states that all premises where veterinary medicine is practiced shall be registered with the VMB. A veterinary premise is required to have a veterinarian designated as managing licensee and to meet Minimum Standards as set forth in California Code of Regulations, Section (hereafter CCR) 2030.

4. Q. Must medical records be maintained on animals treated in a shelter?

A. Yes. CCR 2032.3 lists the information required in veterinary medical records among other records specified by Food and Agricultural Code Section 32003.

5. Q. Can a RVT or an unregistered assistant (i.e. any unlicensed person) perform spay and / or neuter surgeries on pets that are to be adopted out?

A. No. Only California licensed veterinarians may perform surgeries.

6. Q. Can a RVT or an unregistered assistant microchip animals at a shelter without a veterinarian?

A. Yes. Micro-chipping is not considered the practice of veterinary medicine.

Animal Shelters with a Veterinarian Relationship

7. **Q. Can a RVT perform routine health care services (non-emergency) prior to the animal's examination by a licensed veterinarian? (e.g. the treatment of ear mites, giving vaccines, running and interpreting FeLV or fecal tests)**
- A. **Yes.** B&P 4840 provides a specific exemption stating that a RVT may perform health care services on those animals impounded by a state, county, city, or city and county agency pursuant to the direct order, written order / protocol, or telephonic order of a veterinarian licensed or authorized to practice in this state.
8. **Q. Does a RVT working at a private shelter (e.g. local humane society) have the same latitude to perform health care services as at a governmental shelter?**
- A. **No,** the exemption for providing care prior to the veterinarian's exam is specific to government facilities.
9. **Q. Can a RVT working at a private (i.e. non-governmental) shelter run parvo tests, give vaccines, etc. after the veterinarian has examined the animal?**
- A. **Yes.** The level of veterinarian supervision at a private shelter is similar to that at a veterinary hospital.
10. **Q. Can a RVT perform emergency procedures on an animal?**
- A. **Yes,** but with limitations. As defined in B&P 4840.5, an emergency situation means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life. CCR 2069 clearly specifies what limited treatments a RVT may perform after direct communication with a licensed veterinarian. If direct communication cannot be established the RVT may perform these limited treatments only in accordance with written instructions / protocols established by the facility's veterinarian. RVTs at both governmental and private shelters with a veterinarian relationship are allowed to provide these limited emergency treatments.

Animal Shelters without a Veterinarian Relationship

11. **Q. Can a RVT run parvo tests and report results at a shelter without a veterinarian relationship? Draw blood for heartworm tests, read, and report the results? Draw blood for FeLV and FIV tests, read, and report the results? Run fecal tests, read, and report the results? Give vaccinations?**
- A. **No.** That would be the practice of veterinary medicine as defined by B&P 4826.
12. **Q. Can a RVT perform emergency procedures on an animal in a shelter without a veterinarian relationship?**
- A. **No.** That would be the practice of veterinary medicine as defined by B&P 4826.

13. Q. Can any veterinary health services be provided at an animal shelter without a veterinarian relationship?

A. No. That would be the practice of veterinary medicine as defined by B&P 4826.

14. Q. Can euthanasia be performed at an animal shelter without a veterinarian relationship?

A. Yes, but with the restriction that it is an animal control shelter or humane society (but not other shelters) associated with a RVT that has a DEA registration to purchase sodium pentobarbital as per B&P 4840(c). Employees can then perform euthanasia once they have passed the “Euthanasia Training Curriculum” as per CCR 2039.

Other Questions

15. Q. Are veterinarians required to report animal abuse?

A. Yes. Any veterinarian or RVT that has reasonable cause to believe that an animal has been the victim of abuse or cruelty, or that the injuries or death of a dog was due to a staged fight is required by B&P 4830.5 and 4830.7 to promptly report it to enforcement authorities. A licensee does not incur civil liability as a result of this report.

16. Q. Can wildlife be treated at an animal shelter? (‘Wildlife’ are California’s native wild creatures such as a raccoon. These are different than ‘wild animals’ - see the next question.)

A. Yes, but only certain species and only for necessary veterinary care. Per Title 14 (Fish and Game) CCR 679 you must contact the California Department of Fish and Game within 48 hours of possession for additional information and guidance on disposition or placing the animal / bird in an approved wildlife rehabilitation facility. Contact information is under ‘Fish & Game Dept’ in the state pages of the phone book or at www.dfg.ca.gov.

17. Q. Can restricted animals (e.g. ferrets) or wild animals (e.g. zebras, alligators or other non-native species) be treated at an animal shelter?

A. Yes. Per B&P 4826.2 the possession of one of these animals is lawful but only for the period of time that veterinary treatment is necessary. However, they cannot be adopted out. Contact California Department of Fish and Game for disposition.

18. Q. Is there additional information available on the Veterinary Medicine Practice Act?

A. Yes. The California Veterinary Medical Board’s website is www.vmb.ca.gov and contains information on a wide variety of related topics including consumer issues, shelter issues, forms and publications, licensing, and links to websites for ordering the California Veterinary Medicine Practice Act, searching California laws and regulations, and more. If you can’t find the answer to your question online you can call (916) 263-2610 or write to the VMB at 1420 Howe Ave, Suite 6, Sacramento, California, 95825.